



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

F.#2008R01530

*271 Cadman Plaza East  
Brooklyn, New York 11201*

July 27, 2009

VIA ECF AND FEDEX

Paul T. Weinstein, Esq.  
Emmet, Marvin & Martin, LLP  
120 Broadway, 32nd Floor  
New York, NY 10271  
Tel. (212) 238-3090

Re: United States v. Ehud Tenenbaum  
Criminal Docket No. 08-747 (CPS)

Dear Mr. Weinstein:

By this letter, the government discloses discovery pursuant to Rule 16 of the Federal Rules of Criminal Procedure. Please also consider this letter to be the government's request for reciprocal discovery.

1. Statements of the Defendant

Various statements by the defendant are enclosed and Bates-stamped 001 to 340.

2. Criminal History

The government has not identified any United States criminal history for the defendant.

3. Documents and Tangible Objects

The government will provide documents and objects within the scope of Fed. R. Crim. P. 16(a)(1)(E) as they become available.

4. Reports of Examinations and Tests

The government will provide you with copies of any reports of examinations or tests conducted in connection with this case if and when they become available.

5. Expert Testimony

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) by notifying you in a timely fashion of any expert the government intends to call at trial and by providing you with the expert's credentials and a summary of the expert's opinion.

6. Brady Material

The government is unaware of any exculpatory material regarding the defendant in this case. The government is aware of and will comply with its obligation to produce exculpatory material or information under Brady v. Maryland, 373 U.S. 83 (1963).

The government will furnish the defense before trial with information or material regarding payments, promises of immunity, leniency, or preferential treatment, if any, made to prospective witnesses within the scope of Giglio v. United States, 405 U.S. 150 (1972) and Napue v. Illinois, 360 U.S. 264 (1959). The government will furnish before trial information or material regarding any prior convictions of any co-conspirator, accomplice or informant who may testify at trial for the government.

The government will also furnish before trial materials discoverable pursuant to Title 18, United States Code, Section 3500.

The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, which are in the defendant's possession, custody or control, and which the defendant intends to introduce as evidence or otherwise rely upon at trial, and (2) any results of reports or physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendant's possession, custody, or control, and which the defendant intends to introduce as evidence or otherwise rely upon at trial, or which were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses whom the defendant intends to call to testify at trial. See Fed. R. Crim. P. 26.2. In order to avoid any unnecessary delay, we request that you have copies of these statements available for production to the government no later than the commencement of trial.

Finally, the government requests notice of any public authority defense under Fed. R. Crim. P. 12.3.

If you have any questions, please contact me.

Sincerely,

BENTON J. CAMPBELL  
UNITED STATES ATTORNEY

/s/Cristina M. Posa  
By: Cristina M. Posa  
Assistant United States Attorney  
(718) 254-6668

cc: Clerk of the Court (CPS) via ECF